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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,389	12/15/2003	Thomas E. Creamer	BOC9-2003-0088 (459)	6219
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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER NOONAN, WILLOW W	
			ART UNIT 2146	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,389

Applicant(s)

CREAMER ET AL.

Examiner

Willow Noonan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/19/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. The instant application having Application No. 10/736,389 has a total of 24 claims pending in the application; there are 8 independent claims and 16 dependent claims, all of which are ready for examination by the examiner.

Oath/Declaration

2. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R. 1.63.

Drawings

3. The applicant's drawings submitted are acceptable for examination purposes.

Information Disclosure Statement

4. As required by M.P.E.P. 609(C), the applicant's submission of the Information Disclosure Statement dated April 19, 2004 is acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending. As required by M.P.E.P 609 C(2), a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 6 is rejected under 35 U.S.C. 112 because a recited limitation is inconsistent with a limitation of the claim from which claim 6 depends.

Claim 6 recites the limitation "wherein the wireless network is compliant with an 802.11 wireless communication protocol." However, claim 5 requires that the wireless network be compliant with 802.16, 802.20, or 802.15.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faccin in view of Guigui (U.S. Patent Pub. No. 2005/0022007) and Phillips (U.S. Patent Pub. No. 2005/0022007).

Regarding claims 1, 7, 10, 16, and 19, Faccin teaches a method of authenticating a mobile communication device. See Faccin, *Abstract*. Faccin teaches forming a Session Initiation Protocol referred by token (see Faccin at Fig. 3, "S6: SIP 200 OK") using authentication data provided by a mobile service provider (see Faccin at Fig. 3, "AuthData2" formed from "AuthData1") over a mobile communications link. Faccin teaches sending the token to a Session Initiation Protocol server via a wireless network. See Faccin at Fig. 3 ("S7: SIP 200 OK"). Faccin also teaches that the Session Initiation

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Protocol server sends a request for validation, built using the token, to the mobile service provider. See Faccin at Fig. 3 ("S8b: Authentication"). Faccin teaches receiving a reply from the Session Initiation Protocol server over the wireless network, wherein the reply indicates whether the request for validation from the Session Initiation Protocol server was confirmed. See Faccin at p. 4, paragraph 86 ("After a successful verification of the authentication, the SIP server forwards the 200 OK response of the mobile node to the caller").

Faccin does not teach that the request for validation sent by the SIP server to the mobile service provider uses Parlay. However, Guigui teaches the use of Parlay in mobile networks. See Guigui at p. 3, paragraphs 41-43. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Parlay for Faccin's authentication message because Faccin teaches that any appropriate method may be used (see Faccin at p.4, paragraph 79) and Guigui teaches that Parlay API's are open and technology independent, thus allowing multiple-network and cross-platform operation in a variety of different environments (see Guigui at p. 3, paragraph 43).

Regarding claims 2, 3, 8, 9, 11, 12, 17, 18, 20, and 21, Phillips teaches that it is well known to use wireless networks compliant with the 802.11, 802.16, 802.20, or 802.15 wireless communications protocol. See Philips at p. 3, paragraph 30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use one of these standards for the wireless network in Faccin's system because

Phillips teaches discloses that an implementation of any of these wireless standards may be effectively used to deliver content to users on the network.

Regarding claims 4, 13, and 22, Faccin teaches a method of authenticating a mobile communication device comprising receiving a Session Initiation Protocol referred by token from the mobile communication device over a wireless network (see Faccin at Fig. 3, "S6: SIP 200 OK"), wherein the token was built using authentication data provided by a mobile service provider received over a mobile communications link (see Faccin at Fig. 3, "AuthData2" formed from "AuthData1"). Faccin also teaches interpreting the token and sending a request for validation of the mobile communication device to the mobile service provider. See Faccin at Fig. 3 ("S8b: Authentication"). Faccin teaches receiving a response from the mobile service provider and sending a reply to the mobile communication device over the wireless network indicating whether the request for validation was confirmed. See Faccin at p. 4, paragraph 86 ("After a successful verification of the authentication, the SIP server forwards the 200 OK response of the mobile node to the caller").

Regarding claims 5, 6, 14, 15, 23, and 24, Phillips teaches that it is well known to use wireless networks compliant with the 802.11, 802.16, 802.20, or 802.15 wireless communications protocol. See Philips at p. 3, paragraph 30.

Conclusion

9. Please see the included *Notice of References Cited* for additional prior art considered pertinent to applicant's disclosure but not explicitly relied upon in this action.

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10. The examiner requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

11. When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willow Noonan whose telephone number is (571) 270-1322. The examiner can normally be reached on Monday through Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JEFFREY PWU
SUPERVISORY PATENT EXAMINER